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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,071	06/14/2001	Makoto Mogamiya	P20764	6440
7055	7590	10/19/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			HENN, TIMOTHY J	
1950 ROLAND CLARKE PLACE			ART UNIT	
RESTON, VA 20191			PAPER NUMBER	
			2612	
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,071

Applicant(s)

MOGAMIYA ET AL.

Examiner

Timothy J. Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-12 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 14 and 27 is/are rejected.
- 7) ☒ Claim(s) 15, 16 and 21-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05 August 2005 have been fully considered but they are not persuasive. Regarding Applicant's arguments that Abe does not disclose a brush driver that causes the brushing device to traverse the surface of the optical element while the optical element is fixed in place, the examiner directs Applicant's attention to figures 14 and 15 as well as column 10, line 12 through column 11, line 11 of the specification.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 14 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe et al. (US 5,828,918).

[claim 14]

Regarding claim 14, Abe discloses an electronic camera (Figure 14) comprising: at least one optical element disposed in said electronic camera (Figure 14, Item 24) and a charge eliminating device for eliminating static electric charges from said optical element (Figure 14, Item 70), said charge eliminating device including a brushing device having a conductive and grounded brush (Figure 14, Items 70a), said brush traversing over a surface of said optical element while keeping contact with said optical element to ground said optical element (c. 10, l. 12 - c. 11, l. 11) and a brush driver that causes the

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brushing device to traverse the surface of the optical element while the optical element is fixed in place (Figure 14, Item 76 and 76a; c. 10, l. 12 - c. 11, l. 11).

[claim 27]

Regarding claim 27, Abe discloses an optical element which is an image-pickup device (c. 5, ll. 50-65).

Allowable Subject Matter

4. Claims 1-5, 7-12 and 17-20 allowed.

[claims 1-5, 7-12 and 17-20]

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 1-5, 7-12 and 17-20 the prior art does not teach or fairly suggest an electronic camera including a charge eliminating device for eliminating static electric charges from an optical element, wherein said charge eliminating device includes an ion generator or wherein the charge eliminating device operates when a shutter button is pushed down to a first position while an image-pickup device operates when the shutter button is pushed down to a second position.

5. Claims 14, 15 and 21-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claims 14, 15 and 21-23]

Regarding claims 14, 15 and 21-23 the prior art does not disclose a manually operable switch and a controller for controlling a charge eliminating device which is a

conductive and grounded brush in response to operating of the manually operable switch.

[claims 24-26]

Regarding claims 24-26 the prior art does not teach or fairly suggest the use of a conductive and grounded brush to remove static electric charges from an optical element which is an optical low-pass filter, an infrared filter or made from ferroelectric material.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

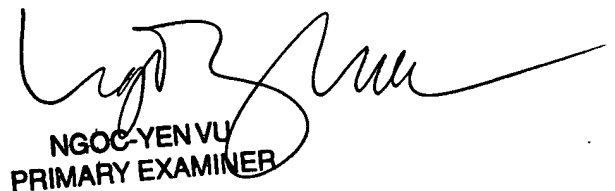
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
10/12/2005



NGOC-YEN VU
PRIMARY EXAMINER